

REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action dated July 28, 2004. Upon entry of this Amendment, claims 14, 16-18, 21, 25-29 and 33 will remain pending in this application. Claim 34 is canceled by this Amendment. New claims 35-38 have been added and depend from claim 18 which has been indicated as allowed. The change to claim 26 is informal in nature and in no way effects the scope of the claim. Furthermore, the change to claim 25 is supported throughout the specification. No new matter is incorporated by this Amendment.

Applicants gratefully acknowledge that Examiner's indication that claims 14, 16-18, 21, 26, 27, and 33 are allowed.

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Claims 25 and 34 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

In response, claims 25 has been amended as suggested by the Examiner and claim 34 has been canceled. Hence, the rejection is overcome and its withdrawal is respectfully requested.

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Claim 25 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirements.

Claim 25 was also rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter that is not fully enabled by the specification.

As stated above, claim 25 has been amended as suggested by the Examiner. Hence, both rejections have been accommodated and withdrawal of each is requested.

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Claim 28 and 29 were rejected under 35 U.S.C. §112 , first paragraph, as containing subject matter that is purportedly not enabled by the specification. The Office

Action asserts that the specification fails to fully comply with the requirements for deposited microorganisms.

In response, Applicants assert that all restriction on the availability to the public of the material so deposited will be irrevocably removed upon the granting of a patent. The above remarks overcome this rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

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Claim 34 was rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter that is not fully enabled by the specification. Claim 34 has been canceled by this Amendment thereby rendering this rejection moot.

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Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees are due in connection with the filing of this Amendment, such as fees under 37 C.F.R. §§1.16 or 1.17, please charge the fees to Deposit Account 02-4300; Order No. 032301.202.

Respectfully submitted,

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